

UNITED STATES DISTRICT COURT
for the
Eastern District of Oklahoma

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender

Probation Form 49, Waiver of Hearing is Attached

Name of Offender: Russell Cornelius McGee

Case Number: CR-21-00361-001-RAW

Name of Judicial Officer: The Honorable Ronald A. White

Date of Original Sentence: February 22, 2023

Original Offense: Ct. 1 – Failure to Register as Sex Offender

Original Sentence: Ct. 1- 30 months imprisonment, with a 5-year term of supervised release

Type of Supervision: Supervised release

Date Supervision Commenced: To be determined

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

6. If the defendant is unable to secure housing as approved by the U.S. Probation Officer, he will be required to reside at a Halfway House selected by the Bureau of Prisons for up to 180 days or until a suitable residence is approved by the U.S. Probation Officer. The defendant shall follow all policies and procedures during his stay at the halfway house.

7. The defendant shall attend and participate in a mental health treatment program and/or sex offender treatment program as approved and directed by the Probation Officer. The defendant shall abide by all program rules, requirements, and conditions of the sex offender treatment program, including submission to polygraph testing to determine if you are in compliance with the conditions of release. The defendant may be required to contribute to the cost of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay. Any refusal to submit to assessment or tests as scheduled is a violation of the conditions of supervision.

8. The defendant shall not view, purchase, possess, or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. §2256(2), unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available.

CAUSE

The defendant does not have a viable release address at this time and will release as homeless unless the modification is approved. The addition of these conditions will allow the U.S. Probation Office to effectively supervise Mr. McGee by ensuring that he remains in compliance with the conditions of his supervision and offer a better opportunity for success in the community upon his release from custody.

Reviewed and approved,

by: s/ Robert L. Gwin

Robert L. Gwin
Supervisory U. S. Probation Officer
Date: December 20, 2023

Respectfully submitted,

by: s/ Beau Morris

Beau Morris
U.S. Probation Officer
Date: December 20, 2023

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

Dated this 26th day of December, 2023.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE

PROB 49

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF OKLAHOMA

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel", I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation or Supervised Release or to the proposed extension of my term of supervision:

6) If the defendant is unable to secure housing as approved by the U.S. Probation Officer, he will be required to reside at a Halfway House selected by the Bureau of Prisons for up to 180 days or until a suitable residence is approved by the U.S. Probation Officer. The defendant shall follow all policies and procedures during his stay at the halfway house.

7) The defendant shall attend and participate in a mental health treatment program and/or sex offender treatment program as approved and directed by the Probation Officer. The defendant shall abide by all program rules, requirements, and conditions of the sex offender treatment program, including submission to polygraph testing to determine if you are in compliance with the conditions of release. The defendant may be required to contribute to the cost of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay. Any refusal to submit to assessment or tests as scheduled is a violation of the conditions of supervision.

8) The defendant shall not view, purchase, possess, or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. §2256(2), unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available.

Witness:



Case Manager

Signed:



Probationer or Supervised
Releasee

12-20-23

Date